

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-15963 - APPLICANT/OWNER: CS4015, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on September 18, 2008 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Extension of Time (EOT-5064) and Special Use Permit (U-0081-02) as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for an Extension of Time of an approved Special Use Permit (U-0081-02) that allowed the sale of Packaged Liquor for Off-Premise Consumption in conjunction with a proposed Convenience Store adjacent to the southwest corner of Lone Mountain Road and Cliff Shadows Parkway.

EXECUTIVE SUMMARY

This is the second request for an extension of time for the approved Special Use Permit (U-0081-02). The applicant indicates that the extension of time is needed due to delays in the dedication of B.L.M. land and the opening of the Lone Mountain Road exit onto the beltway. Therefore, the subject extension of time can be supported as conditioned.

BACKGROUND INFORMATION

A) *Related Actions*

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| 06/14/99 | The City Council approved a Rezoning (Z-0024-99) to PD (Planned Development) on adjacent properties as part of a larger request. The Planning Commission and staff recommended approval. |
| 11/01/00 | The City Council approved a Rezoning (Z-0067-99) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation to PD (Planned Development) on the subject site as part of a larger request. The Planning Commission and staff recommended denial. |
| 09/18/02 | The City Council approved a Major Modification [Z-0024-99(44)] to the Lone Mountain West Master Development Plan to add approximately five acres to the Plan and to designate the northern half as Village Commercial and the southern half as Medium-Low Density Residential; a Special Use Permit (U-0081-02) for the proposed sale of Packaged Liquor for off-premise consumption; a Special Use Permit (U-0082-02) for proposed Gasoline Sales; a Special Use Permit (U-0083-02) for a proposed Tavern, and a Site Development Plan Review [Z-0067-99(2)] for the tavern and convenience store on the subject site. Planning Commission and staff recommended approval. The approvals expired September 18, 2004. |

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| 10/06/04 | The City Council approved three related cases. Extension of Time (EOT-5064) of an approved Special Use Permit (U-0081-02) for the sale of Packaged Liquor for Off-Premise Consumption in conjunction with a Convenience Store; Extension of Time (EOT-5066) of Special Use Permit (U-0082-02) for Gasoline Sales in conjunction with a Convenience Store; and an Extension of Time (EOT-5070) of Site Development Plan Review [Z-0067-99(2)] for a Convenience Store with Gasoline Pumps and a Tavern. |
| 09/20/06 | The City Council will consider three related Extension of Time applications. Extension of Time (EOT-15961) of an approved Special Use Permit (U-0083-02) that allowed a Tavern, Extension of Time (EOT-15958) Site Development Plan Review [Z-0067-99(2)] that allow a Tavern and Convenience Store with Fuel Pumps and an Extension of Time (EOT-15962) of an approved Special Use Permit (U-0082-02) that allowed Gasoline Sales in conjunction with a proposed Convenience Store. |

B) Pre-Application Meeting

A pre-application meeting is not required for an Extension of Time request.

C) *Neighborhood Meetings*

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 2.00 (87,217 square feet)

B) Existing Land Use

Subject Property:	Undeveloped
North:	Gravel Pit
South:	Single Family Dwellings
East:	Multi-Family Housing
West:	Single Family Dwellings

C) *Planned Land Use*

Subject Property:	PCD (Planned Community Development)
North:	PCD (Planned Community Development)
South:	PCD (Planned Community Development)
East:	MLA (Medium-Low Attached Density Residential)
West:	PCD (Planned Community Development)

D) Existing Zoning

Subject Property: PD (Planned Development) [VC (Village Commercial) Lone Mountain West Special Land Use Designation]
North: U (Undeveloped) under Resolution of Intent to PD (Planned Development)
South: PD (Planned Development) [VC (Village Commercial) Lone Mountain West Special Land Use Designation]
East: R-PD12 (Residential Planned Development – 12 Units per Acre)
West: PD (Planned Development) [ML (Medium-Low Density Residential) Lone Mountain West Special Land Use Designation]

E) General Plan Compliance

The subject site is designated as PCD (Planned Community Development) on the Centennial Hills Interlocal Land Use Plan (Map 3) of the Centennial Hills Sector Plan of the General Plan. The existing PD (Planned Development) zoning on the property is consistent with this designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Lone Mountain West	X	
Special Overlay District		X
Trails		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

ANALYSIS

A) General Analysis and Discussion

The previous Extension of Time (EOT-5064) was approved by the City Council on 10/06/04. The site was originally approved with the subject Special Use Permit (U-0081-02), Site Development Plan Review [Z-0067-99(2)] and two related use permits; Special Use Permit (U-0082-02) and Special Use Permit (U-0083-02). Since the original approval, there has been one extension of time for each of the above mentioned applications. The applicant has indicated that the proposed development is not viable until future B.L.M. dedications and off-ramps onto the beltway open. Therefore, staff is recommending approval of the subject extension of time and the related cases.

B) Previous Conditions of Approval from Extension of Time (EOT-5064) and Special Use Permit (U-0081-02)

(EOT-5064)

1. This Extension of Time will expire on September 18, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit (U-0081-02) and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

(U-0081-02)

1. Approval of this Special Use Permit does not constitute approval of a liquor license.
2. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. Conformance to the Conditions of Approval for Site Development Plan Review [Z-0067-99(2)].
5. If this Special Use Permit is not exercised within two years after the approval, this Special Use Permit shall be void unless an Extension of Time has been granted.
6. All City Code requirements and all City departments' design standards shall be met.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Staff finds this liquor sales for off-premise consumption use meets the minimum distance separation requirements of Section 19A.04.050 of the City of Las Vegas Zoning Code, which requires a tavern to be a minimum of 400 feet from any church, synagogue, school, child care facility licensed for more than twelve children or City park, as measured from property line to property line.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

Staff finds no evidence of a physical constraint to location of the proposed liquor sales for off-premise consumption use on the subject site.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Staff finds the proposed liquor sales for off-premise consumption use site will be accessed from planned roads to be built to City standards for primary and secondary streets, and will thereby not negatively impact adjacent roadways or residential neighborhood traffic.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Staff finds the proposed liquor sales for off-premise consumption use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

NOTICES MAILED

N/A

APPROVALS

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PROTESTS

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